ARTICLE VI. SEWER AND DRAIN CONTRACTORS

Sec. 47-221. License required; fee.

It shall be unlawful for any person to perform the work or supervise the laying of privately constructed sanitary or storm sewers in the city without first obtaining a license to do so from the utility official; provided, that no license for drain laying shall be required for anyone holding a master plumbers license. The person obtaining such license pursuant to the provisions of this division shall pay to the tax assessor-collector the sum of \$25.00 for such annual license; provided, that if said license is issued after January of any year, the license fee shall be for such proportionate part of the year, computed from the first day of the month from which the same is issued. (Code 1968, § 49-201; Ord. No. 72-793, § 1, 5-10-72; Ord. No. 90-635, § 153, 5-23-90)

Sec. 47-222. Transfer of license; use by another.

It shall be unlawful for any person holding a drain layer's license issued hereunder to transfer it or allow its use, directly or indirectly, by any person for the purpose of obtaining a permit to do any work specified in this article.

(Code 1968, § 49-202; Ord. No. 72-793, § 1, 5-10-72)

Sec. 47-223. Application for license; persons eligible.

The utility official shall issue a drain layer's license to any person who makes application and satisfies such official:

- (1) That he is thoroughly familiar with the ordinances of the city related to sewer construction and with the current "City of Houston Specifications for Sewer Construction" together with the current amendments thereto; and
- (2) That he agrees to carry out all sewer construction in accordance therewith; and
- (3) That he agrees to secure a permit from the city for each job before starting construction thereof; and
- (4) That he agrees to personally supervise all work constructed under permits issued to him; and
- (5) That he is experienced in the work of drain laying by submitting a summary of

his working experience in this area together with at least three references as to his qualifications.

(Code 1968, § 49-203; Ord. No. 72-793, § 1, 5-10-72; Ord. No. 90-635, § 153, 5-23-90)

Sec. 47-224. Suspension of license.

Bad faith or unreasonable delay in the performance of drain laying work shall be deemed sufficient reason for suspending the license of a drain layer and each licensee is held responsible for the violation of regulations governing such work by laborers and helpers employed by him. (Code 1968, § 49-204; Ord. No. 72-793, § 1, 5-10-72)

Sec. 47-225. Compliance with engineered plan, etc.

In laying storm or sanitary sewers within street rights-of-way and easements, the drain layer shall perform all work in accordance with an engineered plan approved by the city engineer. Work on private property shall be limited to storm sewers, which shall be performed as shown on an approved storm water drainage plan. The drain layer shall be authorized to clean out and repair storm or sanitary sewers provided that the herein stated property limitations are met.

(Code 1968, § 49-205; Ord. No. 72-793, § 1, 5-10-72; Ord. No. 90-635, § 165, 5-23-90; Ord. No. 93-514, § 125, 5-5-93)

Secs. 47-226—47-240. Reserved.

ARTICLE VII. WATER SHORTAGES

DIVISION 1. IN GENERAL

Sec. 47-241. Definitions.

As used in this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section, unless the context clearly indicates another meaning:

Aesthetic water use means use of water for ornamental, decorative, or scenic purposes such as fountains, reflecting pools, and water gardens.

Average water production means the city's daily average combined surface water and groundwater production during a three-day period.

Average water pressure means the 24-hour average of pressure readings at representative pressure points within the city's water distribution system.

Combined reservoir storage supply means the combined quantity of water stored at a point in time in Lake Houston, Lake Conroe and Lake Livingston (city share of storage only).

Conservation means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that supply is conserved and made available for future or alternative uses.

Customer means any person receiving treated water service from the city's water system for whom (or for which) a meter has been installed. A person served by more than one meter is considered a separate customer for each meter.

Even-numbered street address means water service addresses ending in a fraction or in 0, 2, 4, 6, 8. For purposes of this definition, locations without addresses and customers having multiple street addresses that are served by the same water meter shall be deemed to have an even-numbered street address.

Irrigation means the use of water for the moistening and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way, and esplanades.

Major customer means the city's 100 largest water customers by volume of treated water consumed during the preceding calendar year.

Non-essential water use means use of water:

- (1) For irrigation;
- (2) To wash any motor vehicle, motorbike, boat, airplane, or other self-propelled vehicle or trailer;

- (3) To wash down any sidewalk, walkway, driveway, parking lot, tennis court, or other hard-surfaced area;
- (4) To wash buildings or structures for purposes other than immediate fire protection;
- (5) To flush gutters or permit water to run or accumulate in any gutter or street;
- (6) To fill, re-fill, or add to any indoor or outdoor swimming pool, spa, or whirlpool; or
- (7) From hydrants for construction purposes or any other purpose except fire fighting:

subject to the affirmative defenses provided in section 47-243 of this Code, as applicable.

Odd-numbered street address means water service addresses ending in 1, 3, 5, 7, or 9.

Plan means this article and any applicable administrative policies that relate to the implementation and enforcement of the city's water shortage program.

Water means waters contained in or flowing through any portion of the city's treated water system.

Water shortage period means the period of time during which any water shortage declaration is in effect.

(Ord. No. 01-753, § 3, 8-8-01)

Sec. 47-242. Penalties.

Whenever in this article an act is prohibited or declared to be unlawful or whenever the doing of any act is required or the failure to do any act is prohibited, violation shall be punishable upon conviction by a fine in accordance with the following schedule:

- (1) If city personnel have previously provided a written notification to the violator, and the violator has not previously been convicted of violating any provision of this article:
 - a. A fine of exactly \$150.00, if the violation is of section 47-252;

- b. A fine of exactly \$250.00, if the violation is of section 47-253;
- c. A fine of exactly \$600.00, if the violation is of section 47-254 or 47-255.
- (2) If the violator has on one occasion been previously convicted of violating any provision of this article:
 - a. A fine of exactly \$250.00, if the violation is of section 47-252;
 - b. A fine of exactly \$450.0,0 if the violation is of section 47-253;
 - c. A fine of exactly \$1,000.00, if the violation is of section 47-254 or 47-255.
- (3) If the violator has on two or more occasions been previously convicted of violating any provision of this article:
 - a. A fine of not less than \$350.00 nor more than \$2,000.00, if the violation is of section 47-252;
 - b. A fine of not less than \$500.00 nor more than \$2,000.00, if the violation is of section 47-253;
 - c. A fine of not less than \$1,000.00 nor more than \$2,000.00, if the violation is of section 47-254 or 47-255.

Each day that any violation continues shall constitute and be punishable as a separate offense.

(Ord. No. 01-753, § 3, 8-8-01)

Sec. 47-243. Affirmative defenses.

- (a) It is an affirmative defense to prosecution under sections 47-252, 47-253, 47-254, and 47-255 that the water use was:
 - (1) Authorized by a variance issued under section 47-245; or
 - (2) Required to alleviate conditions threatening life, safety, or welfare of the public, including, without limitation, fire suppression.

- (b) Additionally, it is an affirmative defense to prosecution under section 47-253 that the water use was:
 - (1) Applied to plants that had been planted or transplanted on the same day; or
 - (2) Applied to plants by use of a bucket, watering can, hand held hose (with orwithout a nozzle), or other method in which the actor directly and by use of hands continuously controlled the application of the water.
- (c) Additionally, it is an affirmative defense to prosecution under section 47-252 that the water use was:
 - (1) To flush water lines for public health and safety purposes.
 - (2) For municipal operations to wet any surface for the purpose of testing for leaks in buildings or structures;
 - For municipal operations to wet any surface for the purpose of complying with air pollution laws;
 - (4) For maintaining public gardens and arboretums of national, state, or regional significance when necessary to preserve specimens:
 - (5) For commercial businesses that use water to maintain (but not expand) their primary business practices (e.g., commercial car and truck washes, nurseries, turf growers, water haulers, concrete pavers, etc.);
 - (6) To fill a swimming pool for the first time;
 - (7) To maintain the minimum depth of water in a swimming pool as required to maintain filtering function;
 - (8) For irrigation of the tee-boxes and greens on a golf course; or
- (9) For irrigation of a golf course that was planted with new grass within the eight weeks preceding the declaration.

(Ord. No. 01-753, § 3, 8-8-01)

Sec. 47-244. Administrative policy.

The director is authorized to establish administrative policies relating to the implementation of this article. A copy of the policies shall be available in the offices of the utility official for inspection and may be purchased at the fees prescribed by law.

(Ord. No. 01-753, § 3, 8-8-01)

Sec. 47-245. Variances.

- (a) The utility official may in writing grant a temporary variance for an otherwise prohibited water use if he determines that failure to grant the variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection of the public or of the person requesting the variance, and one or more of the following conditions are met:
 - (1) The petitioner cannot comply with the prohibition for technical reasons;
 - (2) The petitioner agrees to implement alternative methods that will achieve the same or a greater level of reduction in water use; or
 - (3) The director determines that the variance will best serve the health, welfare, and safety of the public, taking into consideration the hardships imposed upon the petitioner and the effects upon other customers.
- (b) Requests for variances shall be filed in writing with the utility official and shall include the following:
 - (1) Name and address of the petitioner;
 - Purpose of water use;
 - (3) Specific provision(s) of the plan from which the petitioner is requesting relief;
 - (4) A detailed statement as to how the specific provision of the plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with the plan;
 - (5) Description of the relief requested;
 - (6) Period of time for which the variance is sought;

- (7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to conform to the city's water shortage plan and the compliance date; and
- (8) Other pertinent information reasonably required by the utility official to determine whether the criteria of subsection (a) have been met.
- (c) No variance shall be retroactive or otherwise justify any violation of the prohibitions hereunder occurring prior to the issuance of the variance. A variance is valid for all stages of the same water shortage period, but shall expire at the conclusion of the water shortage period. (Ord. No. 01-753, § 3, 8-8-01)

Sec. 47-246. Incentive program.

The director is authorized to sponsor on behalf of the city an incentive program under which the department will award certificates to customers who decrease their water usage during a water shortage period. The certificates shall be of a type that will be honored at no cost to the city for price reductions or other benefits at participating retail establishments.

(Ord. No. 01-753, § 3, 8-8-01)

Secs. 47-247-47-250. Reserved.

DIVISION 2. SHORTAGES AND EMERGENCIES

Sec. 47-251. Stage one water shortage.

(a) A stage one water shortage is a period of time that begins when the director determines that the water supply or delivery system is under stress because of lower than average annual rainfall, temperatures that are higher or lower than normal, or other circumstances. The director's designation, which may cover all or only part of the city, shall be in writing and filed with the city secretary. A stage one water shortage ends when the director finds that the conditions leading to the declaration no longer exist and files a written declaration to that effect with the city secretary.

- (b) During a stage one water shortage, the director shall institute a water information management program. The director may use water billing statements, media, and other sources to disseminate information regarding conservation measures to be taken, including, but not limited to the following:
 - Requesting that customers insulate water pipes rather than running water to protect pipes from freezing;
 - (2) Requesting that customers check for and repair all leaks, dripping faucets, and running toilets, and that customers utilize water conservation measures such as displacement bags, lowflow shower heads and leak detection tablets;
 - (3) Requesting customers to limit irrigation to the hours between 12:01 a.m. and 10:00 a.m. or between 8:00 p.m. and midnight on no more than two days per week in conformity with the following schedule:
 - Sundays and Thursdays for customers with even-numbered street addresses; and
 - Saturdays and Wednesdays for customers with odd-numbered street addresses;
 - (4) Requesting major customers to make voluntary reductions in water consumption;
 - (5) Instituting a water use reduction program for city departments, including but not limited to:
 - Establishing a ten percent water consumption reduction goal for all city departments;
 - b. Ensuring that city irrigation systems do not wastewater;
 - Discontinuing of water main flushing during this period except to protect life or health;
 - d. Discontinuing washing of city vehicles during this period; and

(6) Advising customers that mandatory measures may be imposed if the water shortage period continues.

(Ord. No. 01-753, § 3, 8-8-01)

Sec. 47-252. Stage two water shortage.

- (a) A stage two water shortage is a period of time that begins when, upon the recommendation of the director, the mayor declares a stage two water shortage upon finding that one or more of the following conditions exist:
 - (1) Combined reservoir storage supply is approximately 24 months' surface water supply for a period of ten consecutive days;
 - (2) Average water production is 80 percent of the combined pumpage capacity of the treated ground water and surface water system for a period of three consecutive days; or
 - (3) Average water pressure within the city's treated water distribution system is 45 pounds per square inch or less.

The declaration, may cover all or only a part of the city, shall be in writing and filed with the city secretary. A stage two water shortage ends when the director finds that the conditions leading to the declaration have ceased to exist for a period of between three and ten days, taking into consideration weather reports, the condition of the water system, and associated factors, and the director files a written declaration to that effect with the city secretary.

- (b) During a stage two water shortage, customers are required to:
 - (1) Repair detectible water leaks within 72 hours of discovery; and
 - (2) Limit outdoor irrigation to the hours between 12:01 a.m. and 10:00 a.m. or between 8:00 p.m. and midnight on no more than two days per week in conformity with the following schedule:
 - Sundays and Thursdays for customers with even-numbered street addresses; and

- Saturdays and Wednesdays for customers with odd-numbered street addresses.
- (c) During a stage two water shortage, the director shall institute a water use reduction program for city departments, including but not limited to:
 - (1) Establishing a ten percent water consumption reduction goal for all city departments;
 - (2) Ensuring that city irrigation systems do not wastewater;
 - (3) Discontinuing of water main flushing except to protect life or health; and
- (4) Discontinuing washing of city vehicles. (Ord. No. 01-753, § 3, 8-8-01)

Sec. 47-253. Stage three water shortage.

- (a) A stage three water shortage is a period of time that begins when, upon the recommendation of the mayor, the city council declares a stage three water shortage upon finding that one or more of the following conditions exist:
 - Combined reservoir storage supply is approximately 18 months surface water supply for a period of ten consecutive days;
 - (2) Average water production is 85 percent of the combined pumpage capacity of the treated groundwater and surface water system for a period of three consecutive days; or
 - (3) Average water pressure within the city's treated water distribution system is 40 pounds per square inch or less.

A stage three water shortage ends when, upon the recommendation of the mayor, the city council finds that the conditions leading to the declaration no longer exist.

(b) During a stage three water shortage, all provisions of section 47-252 of this Code shall apply. In addition, aesthetic water use is unlawful.

(Ord. No. 01-753, § 3, 8-8-01)

Sec. 47-254. Stage four water shortage.

- (a) A stage four water shortage is a period of time that begins when, upon the recommendation of the mayor, the city council declares a stage four water shortage upon finding that one or more of the following conditions exist:
 - (1) Combined reservoir storage supply is approximately 12 months surface water supply for a period of a ten consecutive days;
 - (2) Average water production is 90 percent of the combined pumpage capacity of the treated groundwater and surface water system for three consecutive days; or
 - (3) Average water pressure within the city's treated water distribution system is 35 pounds per square inch or less.

A stage four water shortage ends when, upon the recommendation of the mayor, the city council finds that the conditions leading to the declaration no longer exist.

- (b) During a stage four water shortage all provisions of sections 47-252 and 47-253 of this Code shall apply. In addition, non-essential water use is unlawful.
- (c) During a stage four water shortage, as required for the public health and safety of the citizens and consistent with the city's contracts and state law, the mayor may reduce or terminate water service to customers in the following sequence:
 - (1) Public and private schools, colleges, and universities and outdoor customers.
 - Contract customers, industrial customers, and commercial customers.
 - (3) Residential customers.
 - (4) Public or private health facilities and custodial care homes.

(Ord. No. 01-753, § 3, 8-8-01)

Sec. 47-255. Emergency water shortage.

(a) An emergency water shortage is a period of time that begins when the director finds that there is an imminent threat to the capability of the water system to provide adequate service to assure the health or safety of the public, such as may result from a natural disaster, act of war or terrorism, or catastrophic system accident or failure. The declaration of a water emergency must be subsequently ratified within ten days following its declaration by the city council. An emergency water shortage ends when, upon the recommendation of the director, the city council finds that the conditions leading to the declaration no longer exist.

(b) During an emergency water shortage all provisions of sections 47-252, 47-253, and 47-254 shall apply. (Ord. No. 01-753, § 3, 8-8-01)

Sec. 47-256. Wholesale water customers.

In the event of a water shortage diminishing the supply of water for wholesale water customers, the department shall curtail pro-rata water deliveries to all affected customers in accordance with section 11.039 of the Texas Water Code. The department shall include in each wholesale water contract a requirement that, in the event of a water shortage, water will be distributed according to the requirements of section 11.039 of the Texas Water Code.

(Ord. No. 01-753, § 3, 8-8-01)

Secs. 47-257—47-265, Reserved.

ARTICLE VIII. ABANDONMENT OF CITY-OWNED UTILITY FACILITIES

Sec. 47-266. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) Customer means any person who (or which) has applied to or contracted with the city for utility service from a facility and for whom (or for which) a tap or a connection has been installed.
- (2) Facility means any line, pipe, valve, tank or similar facility which is owned by the city and used to provide water, sewer or gas service to any premises neither owned nor controlled by the city.

(3) Substitute service line means a new, replaced or relocated service line connecting the customer's premises to a city-owned meter, sewer line or other utility facility.

(Code 1968, § 49-601; Ord. No. 81-494, § 1, 3-17-81)

Sec. 47-267. Effect generally.

- (a) No facility may be abandoned if the effect of such abandonment is to terminate utility service to any customer, except in compliance with this article.
- (b) Abandonment shall not affect the city's ownership of any such facility, but instead shall only affect the then current use of such facility. Nor shall any such abandonment preclude or limit the right of the city to use such facility or any property where such a facility may be located for utility purposes at some time thereafter, either after repair or reconstruction or after replacement of the facility so abandoned.

(Code 1968, § 49-602; Ord. No. 81-494, § 1, 3-17-81)

Sec. 47-268. When authorized.

- (a) A facility shall not be abandoned unless:
- (1) The utility official first proposes such abandonment; and
- (2) The facility is determined by the utility official to be surplus or is determined by a hearing examiner and the city council to be seriously substandard.
- (b) A facility is surplus if no customer receives utility service directly from the facility.
 - (c) A facility is seriously substandard if:
 - Because of age, wear or defects in materials or workmanship, the facility is subject to excessive leaks or sudden failure, or both;
 - (2) The facility lacks sufficient capacity to provide adequate service meeting general city standards for similarly situated facilities;

- (3) The location of the facility aggravates problems of contamination of the facility or of adjacent areas; or
- (4) The location of the facility prevents or hinders access for repairs, replacements or maintenance.

(Code 1968, § 49-603; Ord. No. 81-494, § 1, 3-17-81; Ord. No. 90-635, § 153, 5-23-90)

Sec. 47-269. Procedure after utility official's determination.

- (a) If any facility which the utility official has proposed for abandonment is surplus, the utility official may authorize abandonment of the facility.
- (b) If any facility which the utility official has proposed for abandonment is not surplus, it shall not be abandoned without the approval of the city council, and such approval shall not be given unless and until each customer served directly by the facility at the time of the utility official's abandonment proposal has been offered the opportunity to be heard at a hearing held pursuant to this article. The utility official shall refuse to allow new connections to such facility while the abandonment proposal is pending.

(Code 1968, § 49-604; Ord. No. 81-494, § 1, 3-17-81; Ord. No. 90-635, § 153, 5-23-90)

Sec. 47-270. Purpose of hearing.

- (a) The purpose of the hearing shall be to determine the following questions:
 - (1) Whether or not the facility is seriously substandard; and
 - (2) Whether or not the public convenience and necessity require the abandonment of the facility as proposed by the utility official.
- (b) In determining whether or not the public convenience and necessity require the abandonment as proposed by the utility official, the hearing examiner shall take into account all relevant facts and circumstances, including:
 - (1) Any adverse effects the abandonment would have upon customers;

- (2) The tangible and intangible costs, if any, such abandonment would cause to be borne by the customers;
- (3) The measures, if any, which may be imposed to mitigate such adverse effects;
- (4) The cost of such mitigatory measures; and
- (5) The tangible and intangible costs, if any, which would be borne by all other ratepayers of the utility system if the abandonment is not allowed, such costs including the costs of excessive leaks and sudden failures, the costs of maintaining any facility which lacks sufficient capacity to provide adequate service, the costs which the location of the facility may cause in terms of contamination and lack of access, and other costs directly caused by continued operation of the facility.

(Code 1968, § 49-605; Ord. No. 81-494, § 1, 3-17-81; Ord. No. 90-635, § 153, 5-23-90)

Sec. 47-271. Notice of hearing.

Notice of the time and place fixed for the hearing shall be sent by certified mail to each customer receiving service directly from the facility and to all other persons who own property located in whole or in part within 50 feet of any part of the facility (as such ownership is shown on the ad valorem tax rolls of the city or, if not within the city, the county in which the property is situated). In addition, notice of the hearing shall be published once a week for two consecutive weeks in some newspaper of general circulation in the area in which the facility is located, the first publication to be at least 15 days prior to the date fixed for the hearing.

(Code 1968, § 49-606; Ord. No. 81-494, § 1, 3-17-81)

Sec. 47-272. Conduct of hearing.

A hearing examiner shall be appointed by the director. The hearing shall be conducted in an open and public manner and in accordance with sections 37-88, 37-90, 37-93, 37-95 and 37-96 through 37-99 of this Code. Each customer served directly by the facility proposed to be abandoned who files a written request with the hearing examiner and any other person who demon-

strates a justiciable interest shall be designated as a party at interest. Any party at interest may be represented by counsel. The hearing examiner shall determine whether the record of the hearing shall be made by narrative summary, by tape recording or by stenographic transcription. (Code 1968, § 49-607; Ord. No. 81-494, § 1, 3-17-81; Ord. No. 81-1649, § 1, 8-25-81; Ord. No.

Sec. 47-273. Burden of proof.

94-1099, § 1, 10-12-94)

At any hearing conducted under this article, the utility official shall carry the burden of proving by clear and convincing evidence that:

- (1) The facility proposed for abandonment is seriously substandard; and
- (2) The public convenience and necessity require such abandonment.

(Code 1968, § 49-608; Ord. No. 81-494, § 1, 3-17-81; Ord. No. 90-635, § 153, 5-23-90)

Sec. 47-274. Findings and report.

- (a) After the close of the hearing, the required hearing examiner shall determine:
 - (1) Whether or not the facility proposed to be abandoned is seriously substandard; and
 - (2) Whether or not the public convenience and necessity require the abandonment as proposed (or as modified so as to include measures to mitigate any adverse effect). Such findings shall be expressed in the examiner's report which, together with the record of the hearing, shall be certified to the city council by the hearing examiner.
- (b) If the hearing examiner finds that measures are necessary and appropriate to mitigate any adverse effects of the abandonment, such measures shall be expressed in the report as terms and conditions of the abandonment. Such measures may include, but are not limited to:
 - (1) The provision of a substitute service line upon reasonable terms and conditions.
 - (2) Abandonment of only a part of the facility.

- (3) Converting the facility to a private facility with the responsibility for maintenance, repair and replacement being assumed by one or more customers.
- (4) Other similar measures. (Code 1968, § 49-609; Ord. No. 81-494, § 1, 3-17-81)

Sec. 47-275. Action by city council.

The city council may adopt, reject or modify the report of the hearing examiner made pursuant to the provisions of this article. The city council may remand the matter to the hearing examiner for further proceedings as to certain specified issues. The decision of the city council shall be made by motion, a copy of which shall be delivered to the utility official. The decision of the city council, unless otherwise qualified, shall be final. (Code 1968, § 49-610; Ord. No. 81-494, § 1, 3-17-81; Ord. No. 90-635, § 153, 5-23-90)

Sec. 47-276. Mitigatory measures.

If the city council prescribes that the city should undertake mitigatory measures prior to abandonment of a facility, the utility official shall take all steps necessary to cause such mitigatory measures to be implemented. The utility official shall not allow any work necessary to provide such mitigatory measures to be conducted upon private property unless the person in control of such private property consents to the performance of such work and the entry upon such property.

(Code 1968, § 49-611; Ord. No. 81-494, § 1, 3-17-81; Ord. No. 90-635, § 153, 5-23-90)

Sec. 47-277. Termination of service.

No utility service to a customer may be terminated because of abandonment of a facility unless:

(1) The utility official has determined that all terms and provisions of the council motion authorizing such abandonment have been satisfied or, if all terms and conditions have not been satisfied, that the customer (or some person who owns or

- controls the premises of the customer) has failed or refused to allow such terms and conditions to be satisfied; and
- (2) The customer has received 90 days' written notice of such termination by certified mail or by hand delivery to the premises of the customer.

When the foregoing conditions have been satisfied, the utility official is authorized to abandon the facility and to terminate all utility service provided through such facility. (Code 1968, § 49-612; Ord. No. 81-494, § 1, 3-17-81; Ord. No. 90-635, § 153, 5-23-90)

Secs. 47-278-47-300. Reserved.

ARTICLE IX. WASTEWATER IMPACT FEES AND CAPACITY RESERVATIONS*

DIVISION 1. GENERALLY

Sec. 47-301. Definitions.

As used in this article, the following terms and phrases shall have the following meanings:

- (1) Accelerated projects means projects calling for the construction of specifically identified wastewater treatment or transportation facilities or both, with funds acquired in part from prepayments of capital recovery charges made by persons desiring new or additional service from the system in an area where such service would not otherwise be available.
- (2) Assessment means the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this article, which determination occurs at the time specified in section 47-317.
- (3) Buffer zone means an area of land which is owned or controlled by the owner of the private interim wastewater treatment plant or which is burdened by a public or

private easement which renders it unsuitable for the location of habitable structures.

- (4) Building permit means:
 - a. With respect to buildings or premises within the corporate limits of the city, the general permit required under the Construction Code; or
 - b. With respect to buildings or premises outside the corporate limits of the city or for which a general permit under the Construction Code is not required, a plumbing permit issued under the Construction Code or under section 47-14 of this chapter.
- (5) Capital recovery charge means the fees imposed by the city on developments to provide financing for the costs of acquiring and constructing capital improvements to the system. These fees were established by the city pursuant to City of Houston Ordinances Nos. 83-650 and 84-1964.
- City constructed wastewater facility means a wastewater facility paid for wholly or partially by the city, a wastewater facility that has been acquired by the city upon assumption of obligations or debts for the construction costs thereof or by operation of law, a wastewater facility paid for by any other person, firm, corporation or governmental subdivision that has been purchased or otherwise acquired by the city, and a wastewater facility paid for partly by the city and partly by others when connection thereto is to be made from property to be served thereby and the owners of such property did not contribute their proportionate share of the cost for the intended land use.
- (7) Connection charge means a charge on a property owner imposed pursuant to city ordinances referenced in section 47-42 for connection to the city's wastewater system.

^{*}Editor's note—Section 4 of Ord. No. 90-675, adopted June 6, 1990, amended the title of Art. IX by adding the words "impact fees and" thereto.